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Austin City Council MINUTES

For JULY 27, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmembers Humphrey and Urdy, who entered the Council Chamber later in the meeting.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved minutes for regular meetings of July 18, 1989 (meeting as Electric Utility Board of Directors) and July 20, 1989 and special meetings of July 18 and 20, 1989. (5-0 Vote, Councilmembers Humphrey and Urdy absent)

CITIZEN COMMUNICATIONS

The following people discussed the convention center proposal: John D. Timmons, Lyle B. Byrd, Tommy Dean, Eloy Ramirez, Ronny Reynolds, Diana Castaneda and Kelley Guest. Mr. Gabriel Gutierrez and Mr. William W. Sullivan Jr were not present to speak on their subjects. Ms. Carol Guthrie talked about employee relations and testing.

PARQUE ZARAGOZA

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance renaming Zaragosa Park to Parque Zaragoza. (6-0 Vote, Councilmember Urdy absent)

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Public Utility Easement

Approved dedication of a public utility easement across City owned land on Jefferson Street at Pete's Path.

Eminent Domain Proceedings

Authorized the filing of eminent domain proceedings to acquire title to a pre-fabricated metal on slab building located partially on a tract comprised of 1.655 acres of land out of the James P. Wallace Survey No. 57, in Travis County, Texas, or further described in Exhibit

"A" and partially on the remaining property of which said tract described in Exhibit "A" was originally a portion and a temporary right to enter upon the property remaining for the sole purpose of removing all of said building for the improvement and expansion of U.S. Highway 183. C.I.P. No 85/62-01.

Change Order

Approved Change Order No. 1 in the amount of \$45,409.60 to Hunter Industries for Braker Lane Improvements, Parkfield to Lamar - 5.21% increase in the original contract amount of \$872,082.45. C.I.P. No. 86/22-04, 82/62-15 & 83/23-04. (Funds available for CIP Nos. 627803, 227671 & 237589)

Change Order

Approved a contractor's claim associated with Change Order No. 6 in the amount of \$35,255.96 to Garney Companies, Inc. for South IH-35 Transmission Main. (\$35,255.96 available in CIP No. 227721) C.I.P. No. 85/22-64.

Austin White Lime

Approved a contract award to Austin White Lime Company for Quicklime (twelve month supply agreement) in an amount not to exceed \$995,385.00 - Water and Wastewater Department.

Woods Honda Fun Center, Inc.

Approved a contract award to Woods Honda Fun Center, Inc. for Captive Repair Parts (twelve month supply agreement) in an amount not to exceed \$50,000.00 - General Services Department.

CHILD CARE COMMISSION TASK FORCE

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, made the following appointments to the Task Force on Building, Zoning, Health and Fire Safety for Child Care Centers. (6-0 Vote, Councilmember Humphrey out of the room.)

City of Austin Child Care Coordinator, Chair - Linda Welsh

Representatives of the Child Care Commission - Ron Hubbard, Kaye Berry

Representatives of Child Care Providers:

-For Profit Centers Representatives - Merrick Leler, Eileen Reed

-Non-Profit Centers Representatives - Chris Reid, Elizabeth Sears

Representative of the Austin Association for the Education of
Young Children - Rhonda Paver

Representative from the Planning Commission - Jackie Goodman

Representative from TDHS Day Care Licensing - Diana Spiser

Representatives of City Departments:

-Zoning Representative - Alice Glasco

-Building Inspections Representative - Frank Ivy

-Fire Department Representative - Lt. Kenny Webb

-Austin/Travis County Health Department Representatives - Cindy Ybarra,
Mary Bell Lockhart

-Parks and Recreation Department Representative - Joan Stys

CONVENTION CENTER PROJECT

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, approved establishing M/WBE goals for the Convention Center Project. (6-0 Vote, Councilmember Barnstone out of the room.)

REVENUE BOND ITEMS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of City of Austin, Texas, combined Utility Systems Revenue Bonds, Series 1989 in the amount of \$65,800,000.00 (1982, 1983, 1984 and 1985 voter authorized Utility Revenue Bonds.) Debt service requirements payable in future fiscal years from net revenues of the Electric Utility and Water and Wastewater Utility. (6-0 Vote, Councilmember Humphrey abstained.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving and authorizing execution of a paying agent/registrar agreement with MTrust Corp., National Association in Austin, Texas in relation to the City of Austin, Texas combined Utility Systems Revenue Bonds, Series 1989. (6-0 Vote, Councilmember Humphrey abstained)

DISANNEXTION OF PROPERTY

Council had before them for consideration the disannexation of certain property annexed for limited purposes.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, passed through FIRST READING ONLY an ordinance pursuant to the provisions of SB 962, disannexing certain property annexed for limited purposes. (4-0-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey abstained, Councilmember Barnstone out of the room.) This DID NOT INCLUDE ITEM D, which was pulled off at the applicant's request.)

- (a) C7ad-89-082 Approximately 1.0 acre owned by Walter Meyer at 1800 Lake Shore Dr. (182)
- (b) C7ad-89-083 Approximately 1.024 acres owned by Frank Pulatie at 11118 RM 2222. (183)
- (c) C7ad-89-084 Approximately 3.174 acres owned by Vision Realty, Inc. at North Lamar and Coxville Dr. (184)
- (e) C7ad-89-086 Approximately 10 acres owned by Carl E. Richard at RM 620. (188)
- (f) C7ad-89-087 Approximately 16 acres owned Carl E. Richard at RM 2769 (189)
- (g) C7ad-89-088 Approximately 25.6 acres in 6 parcels owned by Charles McLemore at RM 620 N and Windy Ridge Rd. (190, 191, 192)
- (h) C7ad-89-089 Approximately 2.0456 acres owned by Walter Craven at 11004 RM 2222. (195)
- (i) C7ad-89-090 Approximately 0.57 acre owned by Ray O. Howard at 3403 Westlake Dr. (196)
- (j) C7ad-89-091 Approximately 2.143 acres owned by Ray O. Howard at 12057-12061 North Lamar. (197)
- (k) C7ad-89-092 Approximately 0.33 acre owned by Frank Boatright at 6555 RM2222. (199)
- (l) C7ad-89-093 Approximately 48.8 acres in 5 tracts owned by Frank Boatright at Spicewood Springs Rd. (200)
- (m) C7ad-89-094 Approximately 0.787 acre owned by John P. O'Sullivan at Hwy. 290 W. and Boling Dr. (201)
- (n) C7ad-89-095 Approximately 4.657 acres owned by Elton R. Previtt at Old Lampasas Tr. and Spicewood Springs Rd. (202)

- (o) C7ad-89-096 Approximately 10.0 acres owned by Tim Hess at 9115 Old Lampasas Trail. (203)
- (p) C7ad-89-097 Approximately 5.0 acres owned by L. H. Slusser at 10310 FM 620 N. (204)
- (q) C7ad-89-098 Approximately 190.7 acres owned by Marion Fowler et al near Lake Austin and City Park. (205)
- (r) C7ad-89-099 Approximately .65 acre in two lots of Apache Shores owned by Monica Geick. (194)
- (s) C7ad-89-100 Approximately 1.9 acres at Rob Roy on the Lake owned by Nix Bodden. (185)

(The following is the item which was pulled.)

- (d) C7ad-89-085 Approximately 129.26 acres owned by Robert Dunnam at Bullick Hollow Rd. (187)

LATER IN THE DAY:

Later in the day the following motions were made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, voted to reconsider. (7-0 Vote)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance approving an ordinance pursuant to the provisions of SB 962, disannexing certain property annexed for limited purposes as previously listed (a) through (c) and (e) through (s). (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey abstained.) (SEE LISTING ABOVE AND ON PREVIOUS PAGE; ITEM (d) NOT INCLUDED)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the

agenda for this meeting.

Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) Potential Litigation re: Rental Rehabilitation Program Funds

Land Acquisition - Section 2, Paragraph f

- (a) Discuss proposals for convention center site selection

RECESS

Council recessed from 2:17 to 3:04 for executive session. No action on items discussed.

WATER HEATER BLANKETS AND VINYL TAPES

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a contract award to Chris and Tom Strand for water heater blankets and vinyl tapes in an amount not to exceed \$58,464.00 - Environmental and Conservation Services Department (Resource Management Division) (6-1 Vote, Councilmember Barnstone voted No.)

PUBLIC HEARING SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, set a public hearing on an appeal of the Building Standard Board's decision regarding the demolition of a structure at 800 New Castle for August 17, 1989 at 5:00 P.M. (7-0 Vote)

RECESS

Council recessed its meeting from 3:30 to 3:48 p.m.

DISCUSSION OF CAPITAL METRO TRANSIT AUTHORITY

Councilmember Humphrey introduced an item to Council to request the Capital Metro Board of Directors to reconsider the salary level recently awarded the General Manager of the Capital Metropolitan Transit Authority. There was discussion but no action was taken.

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings, and acted upon cases as follows:

C14h-86-018 - DOBIE HOUSE, 702 East 26th Street, from "SF-3" to "SF-3-H." RECOMMENDED. ORDINANCE

C14H-89-0009 - PATRICK BUTLER, 1214 Newning Avenue, from "SF-3" to "SF-3-H." RECOMMENDED

PRESTON-GARCIA HOUSE

ORDINANCE

C14-89-0026 - SETON MEDICAL CENTER by Page, Southerland & Page, 4700-4799 and 4800-4899 Quarry Lake Parkway, from "LO" to "GO". RECOMMENDED

Planning Commission's recommendation to grant "GO", General Office, zoning subject to no issuance of a building permit until Quarry Lake Parkway is dedicated to the eastern property line of this tract.

FIRST READING

C14-89-0030 - MAUDE M. MEADS/NCNB TEXAS by Jim Powell, 4905 and 4907 Smokey Valley, from "SF-2" to "SF-3". RECOMMENDED ORDINANCE

C14-89-0031 - NCNB-TEXAS NATIONAL BANK by Jim Powell, 6706 Fort Davis Cove, from "SF-2" to "SF-3". RECOMMENDED ORDINANCE

C14-89-0034 - CITY OF AUSTIN by Planning Department, 7700 T-Bar Trail and 10603-10905 D-K Ranch Road, from "DR" to "RR". RECOMMENDED ORDINANCE

C14-89-0009 - ROBERT C. WILSON, CO., by Brown, Maroney & Oaks Hartline, 11805-11841 N. U.S. Hwy. 183, from "LO" to "LI". RECOMMENDED subject to limiting the uses and intensities to the assumptions stated in the February 1989 TIA analysis, unless demonstrated that trip characteristics of proposed uses will not create a level of impact beyond that analyzed in the TIA. The June 20 1989 letter to the Summit Oaks Neighborhood. Prohibit kennels and prohibit General Warehousing and Distribution on approximately 1.67 acres on the rear portion of the property for depth of 150 feet.

FIRST READING

C14-89-0033 - MARK CANADA, 1505,1507 West 6th Street and 507,509 Powell Street, from "LO" to "GO-CO". RECOMMENDED "GO-CO" limiting expansion or redevelopment to "LO", development regulations and retention of existing structure.

FIRST READING

C14-89-0022 - MINNESOTA MINING & MFG. (3M) by Asset Management Associates, 11700 Research Boulevard, from "LO" to "GR". RECOMMENDED subject to "GR-CO" for Tract 1 with a 50-foot undisturbed vegetative buffer to be located between the subject tract and adjacent single-family neighborhood, and "LR" for Tract 2,

FIRST READING

subject to reservation of 150 feet of right-of-way from the centerline of U.S. 183 and the following transportation recommendations: No building permit to be issued until construction contract is let for improvements to U.S. 183, construction of Balcones Wood Drive, and grade separations to Duval Road unless an updated TIA is approved by the Director of Planning and Development demonstrating that a portion of development could be accommodated at an acceptable level of service without these improvements. Prior to site plan release, \$2400 should be posted for pro-rata share of signalization at Jollyville Road and Salton Drive, unless Salton Drive is removed from the approved Jollyville Area Study. The signal would not be installed until warrants are met. Prior to building permit, right-of-way should be dedicated for construction of a four-lane collector street with left turn lanes for Duval Road, to extend through the tract between U.S. 183 and Jollyville Road. Development should be limited to the uses and maximum intensities of use as quantified in square feet specified on pages I-4, I-6 of the March 1989 TIA. Access to Thunder Creek should be prohibited. Access to Stanwood Road should be prohibited, unless the right-of-way is vacated.

C14-89-0005 - JOHN D. Byram by Armbrust & Brown, Mopac Expressway South & West U.S. Hwy. 290, from "RR" and "GO" to "GR". NOT RECOMMENDED, RECOMMENDED "GR-CO" for tracts north of Southwest Parkway. Grant "GR-CO" for tract south of Southwest parkway, subject to Travis Country Neighborhood agreement: Prohibited uses in item I, except Religious Assembly. Items II through IX of neighborhood agreement. Transportation recommendations 1, 2, and 4 and Zone floodplain "RR".

POSTPONED TO AUGUST 10, 1989

C14-89-0021 - ARLON & MARILYN BINDSELL by Arlon Bindsell, 4303 South 1st Street, from "SF-3" and "LO" to "GR". NOT RECOMMENDED, RECOMMENDED "LO" for the "SF-3" portion of the tract.

FIRST READING

C14-81-086 - DAVID VOELTER by Roger L. Erickson, 9112-1916 Westridge Drive, from "SF-3" to "SF-6". NOT RECOMMENDED

WITHDRAWN

C14-89-0037 - CITY OF AUSTIN by Parks and Recreation Department, Old Spicewood Springs Road and N. Capital of Texas Hwy., from "DR" to "P". ORDINANCE

C14-88-0024 - INTERNATIONAL BANK OF COMMERCE OF LAREDO by Jones, Day, Reavis & Fogue, 13409 to 13499 Research Boulevard, from "SF-2" to "GR". RECOMMENDED EXTENSION to January 27, 1990. APPROVED

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmembers Barnstone and Humphrey out of the room.)

C14-89-0014 - RAYMOND EASLEY, 2902 Sweeney Lane from "LR" to "GR". (Council should be aware that the applicant did not appear and there were neighborhood concerns). NO RECOMMENDATION

FIRST READING

SUBJECT TO MH/MR HAVING CAP OF CLIENTS THAT CAN BE HANDLED IN A SAFE MANNER

(On Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, 4-0 Vote, Councilmembers Barnstone, Humphrey and Nofziger out of the room.)

C814-89-005 - MCGILL INVESTMENTS by Brown, Maroney & Oaks, Hartline, 3701-3717 Spicewood Springs Rd. from "LO" & "LR" to "PUD". RECOMMENDED FIRST READING

Planning Commission recommendation: To grant PUD, Planned Unit Development, as requested subject to compliance with the land use plans and attached support materials and conditions set out in the memorandum from Transportation and Review Section and subject to dedication of up to 32' of right-of-way from the center line of Baywood Drive.

(On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Councilmembers Nofziger and Urdy out of the room.)

C14-89-0007 - LEXINGTON DEVELOPMENT COMPANY by Lichliter Jameson & Associates, 6600 Block of Brush Country Road, from "LO" to Tract 2 "GR-CO" and Tract 3 "LR" (withdrawn). RECOMMENDED subject to staff recommendations and the following conditions: Rollback to "LR-CO" if the Land Development Code is amended to allow car washes in the "LR" district. Use brick similar to the adjacent nursing home for the car wash. Utilize a berm sign, limited to three feet. A meandering berm with landscaping should be provided for in a restrictive covenant.

FIRST READING

APPROVED PLANNING COMMISSION RECOMMENDATION WITH SIGN LIMITED TO BERM SIGN STANDARDS

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 6-0 Vote, Councilmember Urdy out of the room.)

C14-89-0004 - PROVIDENT DEVELOPMENT COMPANY by Lichliter/Jameson & Associates, E. U.S. 290 and Giles Lane, from "LI". "LI-CO", "LO", "GO", LI-PDA, "LR", "GR", "MF-3", "SF-2", "SF-4" and "SF-6" to PUD. RECOMMENDED subject to compliance with the land use plan dated June 14, 1989, the Harris Branch Planned Unit Development Report and dedication of up to 60' of right-of-way from the centerline of future

Giles road, 45' from the centerline of future Braker Lane, a and 75' from the centerline of future U.S. 290 East and reservation of up to 150' from the centerline of U.S. 290 East. Right-of-Way dedication and reservation will be accomplished through the subdivision process. Grant waiver from Section 13-1-453(b) which provides for rezoning from "PUD" to original zoning on the site if no substantial activity had occurred on the site within three years of PUD approval. Grant waiver from Section 13-2-683(f)(5) which requires information on the location of nonresidential curb cuts and driveways on the "PUD" land plan. Grant waiver from Section 13-2-683(e)(2) which required multi-family FAR'S to be established as part of the PUD Agreement.

FIRST READING

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Cooke absent****)

(**** Mayor Cooke left the Council Chamber at 6:00 P.M.)

PUBLIC HEARING

Mayor Pro Tem Shipman opened the public hearing scheduled for 5:30 P.M. on request for waiver of Anti-apartheid Ordinance for Amdahl Corporation for disk drive upgrading and mainframe memory upgrade. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (6-0 Vote, Mayor Cooke absent)

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, DENIED the request for a waiver. (6-0 Vote, Mayor Cooke absent)

NO ACTION ON ITEMS

No action was taken on the following resolutions:

- Consider a resolution approving a contract award for disk drive upgrade equipment for use with mainframe computer not to exceed \$233,500.00 from Amdahl Corporation.
- Consider a resolution approving a contract award for mainframe memory upgrade not to exceed \$168,000.00 from Amdahl Corporation.

PUBLIC HEARING

Mayor Pro Tem Shipman opened the public hearing scheduled for 5:45 P.M. on request for waiver of Anti-Apartheid Ordinance for Mobile Data International for Data Terminal System. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing. (6-0 Vote, Maor Cooke absent)

Prior to the vote to close the public hearing, Councilmember Carl-Mitchell had made a motion, seconded by Councilmember Nofziger to approve the waiver for Mobile Data, but it was ascertained the motion was not necessary.

PARD GRANT APPLICATIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, authorized staff to submit their request for a grant application to the Texas Parks and Wildlife Department for the development of Dick Nichols Park in January, 1990. (5-0 Vote, Councilmember Humphrey out of the room, Mayor Cooke absent.)

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, set the following priorities for grant applications to the Texas State Parks and Wildlife Department: (4-2 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell voted No, Mayor Cooke absent)

1. Circle C Veloway
2. Mary Searight Metropolitan Park

CITIZEN COMMUNICATION

Charles Waite spoke in favor of a convention center for the City of Austin.

ADJOURNMENT

The Council adjourned its meeting at 8:00 P.M.